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Subject: Caltrans Comments to 2nd Draft of the Delta Stewardship Council Delta Plan-Comments due 8/3/10
Date: Monday, August 02, 2010 10:41:37 AM
Attachments: [Draft Delta Plan Comments \(Caltrans\) 8.2.10.pdf](#)

Good morning Eric, hope things are going well for you. Its my pleasure to provide you with our comments to the 2nd draft of the Delta Stewardship Council's Delta Plan. We appreciate the opportunity that to review and comment on this plan. We look forward in reviewing and commenting on revisions to this plan as they come up. Please send the revised draft plan (if any) to me directly and I'll more than happy to get the document out within our Department.

(See attached file: Draft Delta Plan Comments (Caltrans) 8.2.10.pdf)

Please call me at the number below if you have any questions.

Respectfully submitted,

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California Department of Transportation (Caltrans)
Comments to the Delta Stewardship Council's Second Draft Interim Plan
August 2, 2010

1. Page 1, Engage and Establish Working Relationship with Agencies.

Suggest adding clarifying information on what is meant by other relevant agencies. Does this include state agencies like Caltrans and other similar state agencies? If so, it might be a good idea to provide more information what other agencies will be asked to help implement this initiative.

2. Page 18, 85225—A state or local public agency that proposes to undertake a covered action, prior to initiating the implementation of that covered action, shall prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and shall submit that certification to the council.

If is not clear if a highway construction and/or major rehabilitation project is included in a **“covered action.”** It would be helpful to clearly articulate what the **“covered actions”** are and give examples. If Caltrans highway work is included, then it appears that Caltrans would need to prepare a written certification of consistency with detailed findings as to whether the “covered action” is consistent with the Delta Plan and submit the certification to the council. Is this a correct assumption?

3. Page 18, 85225.5—To assist state and local public agencies in preparing the required certification, the council shall develop procedures for early consultation with the council on the proposed **covered action**.

Again, it would be helpful to clearly articulate what the covered actions are and to give examples.

4. Page 18, 85300(a)—The Delta Plan may also identify specific actions that state or local agencies may take to implement the subgoals and strategies. In developing the Delta Plan, the council shall consult with federal, state, and local agencies with responsibilities in the Delta. All state agencies with responsibilities in the Delta shall cooperate with the council in developing the Delta Plan, upon request of the council.

The plan should include a jurisdiction map that clearly shows what highways and roads are covered under this plan.

5. Page 19, 85306—The council, in consultation with the Central Valley Flood Protection Board, shall recommend in the Delta Plan priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and **nonproject** levees. The Delta Plan may identify actions to be taken outside of the Delta, if those actions are determined to significantly reduce flood risks in the Delta. The Delta Plan may include local plans of flood protection. The council, in consultation with the Department of Transportation may address in the Delta Plan the effects of climate change and sea level rise on the three state highways that cross the Delta.

Regarding the “**nonproject levees,**” it appears this might include highway construction and maintenance work. This should be clarified. Also, how far “outside of the Delta” can the Delta Plan identify actions to be taken or is this irrelevant as long as there is a nexus pertaining to the project and flood risks in the Delta? Also, the council’s consultation with Caltrans regarding climate change and sea level rise on the three highways that cross the Delta, as noted in the paragraph above, could lead to significant highway construction work/requirements and costs such as extraordinary elevation of future capacity projects for route 12 and other highways.

6. Page 25, 3rd Paragraph—Any state or local agency contemplating approving or undertaking a project that is potentially or clearly a covered action should contact the Council staff for an early consultation. These consultations will have the goal of understanding the congruence of the proposed action with the Act, using this Interim Plan as the framework for any Council recommendations. Those recommendations will not be binding but will be of value to agencies in clarifying whether or not the Act does potentially apply to a proposed activity and in identifying where such activities appear to comport with provisions of SBX7 1 and where they may encounter potential inconsistencies. The Council’s recommendations will not constitute a determination of consistency with, or an exemption from, the yet-to-be adopted Delta Plan.”

A clear definition and examples of what constitutes “covered action” should be provided. This paragraph will apparently require Caltrans to contact the Council for approving or undertaking a project that is a covered action. Does this include routine maintenance, major maintenance, and/or construction projects on the highways crossing the Delta?

Other comments:

- Caltrans should continue to be consulted as a state agency in order to inform our System Planning work, coordinate with the Delta Stewardship Council, and provide input on the highway protection strategies.
- Sacramento County and Sacramento Area Council of Governments should be consulted as agencies with land use approval authority or Blueprint plans for what development should occur in the Delta region as well as emergency response issues for Sacramento County communities.
- Coordination should occur between the Delta Stewardship Council and the local, regional, and state agencies carrying out the State Route (SR) 12 Comprehensive Corridor Evaluation and Corridor Management Plan, and the SR 12 Corridor Advisory Committee (CAC). The purpose of the study is to conduct a comprehensive evaluation of the SR12 Corridor from SR 29 in Napa County through Solano, Sacramento, and San Joaquin counties to I-5. The study will identify improvement strategies that address near and long term needs of the SR 12 Corridor through an active stakeholder collaboration process. The improvement strategies will inform Caltrans Planning documents. (Threats to the Delta Communities and Economy)